

# **EXHIBIT 12**

**FILED UNDER SEAL**

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 SONOS, INC.,  
4 Plaintiff,  
5 vs. Case No. 3:21-CV-07559-WHA  
6 GOOGLE LLC  
7 Defendant.

8 -----  
9 -AND-  
10 GOOGLE LLC,  
11 Plaintiff,  
12 vs. Case No. 3:20-CV-06754-WHA  
13 SONOS, INC.,  
14 Defendant.

15 -----  
16 \*\*HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY\*\*

17 \*\*SOURCE CODE\*\*

18 ZOOM DEPOSITION OF DAN SCHONFELD, Ph.D.  
19 (Reported Remotely via Video & Web Videoconference)  
20 Northbrook, Illinois (Deponent's location)  
21 Wednesday, August 31, 2022

22 STENOGRAPHICALLY REPORTED BY:

23 REBECCA L. ROMANO, RPR, CSR, CCR

24 California CSR No. 12546

25 Nevada CCR No. 827

Oregon CSR No. 20-0466

Washington CCR No. 3491

JOB NO. 5414658

PAGES 1 - 252

Page 1

1 objection to this deposition officer administering 09:15:40  
2 a binding oath to the deponent via remote  
3 videoconference, starting with the noticing  
4 attorney, please.

5 MR. SMITH: No objection. 09:15:55

6 MS. AUBRY: No objection.

7 THE COURT REPORTER: Okay, Doctor, if you  
8 could raise your right hand for me, please.

9 THE DEPONENT: (Complies.)

10 THE COURT REPORTER: You do solemnly 09:15:58  
11 state, under penalty of perjury, that the testimony  
12 you are about to give in this deposition shall be  
13 the truth, the whole truth and nothing but the  
14 truth?

15 THE DEPONENT: I do. 09:15:58

16 THE VIDEOGRAPHER: Please continue.

17

18

19

20 09:15:58

21

22

23

24

25 ///// 09:16:13

1 previous questions talked about the editing of -- 11:16:03  
2 of the static group, and it would apply in that  
3 particular circumstance, but I would say that my  
4 view is it still applies to what I'm referring to.

5 The language of the performance of the speaker 11:16:26  
6 group has to be understood in context to mean the  
7 other speakers are either playing or not playing,  
8 not the existence of the speaker group prior to  
9 addition.

10 Q. (By Mr. Smith) So the non-infringing 11:16:52  
11 alternative you're describing, again, is not  
12 limited to a scenario where the speaker group is  
13 already in existence before the new speaker is  
14 added to the speaker group; is that correct?

15 A. It's not limited in this way, and I did 11:17:09  
16 not understand paragraph 161 in Exhibit 114 to be  
17 limited in this way either.

18 The -- the phrasing may be a little  
19 different from the phrasing I would have used, but  
20 I think the meaning is clear that you are never in 11:17:25  
21 a situation -- once you've been added, whether it's  
22 static or dynamically, you're never in a situation  
23 of playing individually as part of the  
24 non-infringing alternative.

25 Q. Okay. So let's -- let's do an example. 11:17:40

1 including the -- the added speaker, because you 11:20:24  
2 were all added at the same time, are playing audio.  
3 And so I -- I don't -- I don't -- I think  
4 that what it's describing is meant to be at the  
5 higher level and to account for both dynamic and 11:20:38  
6 static groups, and so, as a result, he's using  
7 the -- the words "speaker group" in a way that one  
8 has to understand, in the context of static, there  
9 is no static group -- speaker group prior to the  
10 formation of the group. 11:20:59  
11 Q. Okay. So, then, let's -- let's go back  
12 to -- to your report and going back to -- it's  
13 paragraph 726 and 728, and I want to give you a  
14 new -- different scenarios, and I want you just to  
15 tell me how the -- how the non-infringing 11:21:22  
16 alternative would operate in those scenarios.  
17 Does that make sense?  
18 A. Yeah, I will do my best. Yeah.  
19 Q. Okay. So if we have a player that is  
20 playing audio and it's added to a new group with a 11:21:40  
21 player that's not playing audio, what would happen  
22 with the non-infringing alternative?  
23 A. Both players would play the same audio  
24 that the player was playing.  
25 Q. If a player playing audio is added to a 11:22:15

1 new group with a player that's playing different 11:22:20  
2 audio, what would happen with the non-infringing  
3 alternative?

4 A. Once the group would elect the leader,  
5 the -- the audio playing on the leader would be 11:22:35  
6 playing on both devices.

7 Q. If a player that is not playing audio is  
8 added to a new group with a player that is playing  
9 audio, what would happen with the non-infringing  
10 alternative? 11:23:02

11 A. I think that was your first question in  
12 this hypothetical. You just reversed them, but  
13 there is no difference. They would both be playing  
14 the same audio.

15 Q. Okay. 11:23:13

16 A. I may have missed something.

17 Q. Yeah, what I'm --

18 A. One of the two questions --

19 Q. No --

20 A. -- they sounded identical to me. 11:23:18

21 Q. Yeah, just the first player was the one  
22 not playing audio was added to a group with the  
23 second player that was playing audio -- I was just  
24 doing the opposite.

25 But you're saying it would operate the 11:23:32

1 same way, right? If one of the players is playing 11:23:34  
2 audio, then once the group is created, both players  
3 would start playing the audio of the player that  
4 was playing audio; is that correct?

5 A. The group is not aware of the term 11:23:44  
6 "first" and "second," so I agree with that.

7 Q. Okay. Now, if a player is not playing  
8 audio and is added to a new group with another  
9 player that's also not playing audio, what would  
10 happen? 11:24:03

11 A. They both would not be playing, but they  
12 would be -- but the moment either one of them is  
13 playing, it would start playing on both.

14 Q. Okay. And so would something be  
15 happening -- I'll call it -- under the hood that 11:24:19  
16 would cause those two players to be configured for  
17 synchronous playback once they are added to the  
18 group?

19 A. Yeah, they -- they -- they would be in a  
20 situation where they are part of the group. 11:24:35  
21 Everybody is paying attention to whether the group  
22 is instructed to play music or -- or either of the  
23 devices is instructed to play music or audio, and  
24 if the answer is audio is about to begin playing,  
25 it will play in both of them or not at all. 11:24:55

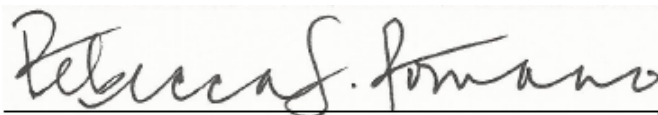
1 I, Rebecca L. Romano, a Registered  
2 Professional Reporter, Certified Shorthand  
3 Reporter, Certified Court Reporter, do hereby  
4 certify:

5 That the foregoing proceedings were taken  
6 before me remotely at the time and place herein set  
7 forth; that any deponents in the foregoing  
8 proceedings, prior to testifying, were administered  
9 an oath; that a record of the proceedings was made  
10 by me using machine shorthand which was thereafter  
11 transcribed under my direction; that the foregoing  
12 transcript is true record of the testimony given.

13 Further, that if the foregoing pertains to the  
14 original transcript of a deposition in a Federal  
15 Case, before completion of the proceedings, review  
16 of the transcript [ ] was [X] was not requested.

17 I further certify I am neither financially  
18 interested in the action nor a relative or employee  
19 of any attorney or any party to this action.

20 IN WITNESS WHEREOF, I have this date  
21 subscribed my name this 6th day of September, 2022.

22  
23 

24 Rebecca L. Romano, RPR, CCR  
25 CSR. No 12546



**ERRATA SHEET**

**Case Names:** *Google LLC v. Sonos, Inc.*  
Case No. 3:20-cv-06754-WHA

*Sonos, Inc. v. Google LLC*  
Case No. 3:21-cv-07559-WHA

**Deposition Date:** August 31, 2022

**Deponent:** Dan Schonfeld

I, Dan Schonfeld, do hereby certify that I read the foregoing transcript of my testimony taken on August 31, 2022, and further certify that it is a true and accurate record of my testimony, with the exception of the corrections listed below:

Page	Line	Now Reads	Should Read	Reason
15	2-3	and for – re-cross motion	re: cross motion	Spelling error
22	7	and – my understanding	my understanding	Transcription error
26	17	there are notifications	there are ramifications	Transcription error
29	3	nuanced that the	nuanced than that, the	Transcription error
33	1	over the	go over the	Transcription error
34	22	and the patent	and the patent examiner	Transcription error
44	11	fact that are multiple ways	fact that there are multiple ways	Transcription error
47	12-13	in the high level	at a high level	Transcription error
47	23	of the target scene [sic]	of the target zone scene	Misspoken
49	21	flushed out	fleshed out	Transcription error
50	13	forming zone scene	forming a zone scene	Transcription error
53	11	that right	that’s right	Transcription error
60	23	Blakewell’s	Bakewell’s	Misspoken
61	23	slightly different word.	slightly different words.	Transcription error
65	2	may be	maybe	Spelling error
65	4	clearer	clear	Transcription error
68	6	think meaning	think the meaning	Transcription error
74	22	separate entity	a separate entity	Transcription error
75	8	join to a group	joined to a group	Transcription error
75	10	dynamic group	dynamic groups	Transcription error
75	17	dynamic group	dynamic groups	Transcription error
76	10	and you do not	if you do not	Transcription error
87	14	what to use	want to use	Transcription error
91	23	that – and integrated	that are integrated	Transcription error
104	12	morph it something	morph it into something	Transcription error
116	14	and some form of	and used some form of	Transcription error
118	22	Sonos claims	Sonos’s claims	Transcription error

118	22	that Sonos prior	that the Sonos prior	Transcription error
119	11	Dr. Almeroth he did	Dr. Almeroth had said	Transcription error
120	21	it is far removed	it is as far removed	Transcription error
120	22	possible is just	possible. It is just	Transcription error
124	13	joined first group	joined the first group	Transcription error
130	22	principal	principle	Transcription error
131	6	keep it very	keep it to a very	Transcription error
137	16	implication	invocation	Misspoken
138	4	design is simple	design is a simple	Transcription error
141	6	not the technology comparability	not at economic comparability	Transcription error
147	7	synchronization	in synchronization	Transcription error
148	1	synchronization	in synchronization	Transcription error
150	23	'855 [sic]	'885	Misspoken
150	25	'855 [sic]	'885	Misspoken
152	22	two media	two media players	Transcription error
153	10-11	'855 [sic]	'885	Misspoken
153	21	specific	specification	Transcription error
153	21	'855 [sic]	'885	Misspoken
154	2	'855 [sic]	'885	Misspoken
154	17	'855 [sic]	'885	Misspoken
155	9	need to	needed to	Transcription error
155	18	describing specification	described in the specification	Transcription error
155	22-23	specification talks	specification that talks	Transcription error
159	24	to application	two applications	Spelling error
174	18	my obvious	my obviousness	Transcription error
176	19	the fact the	the fact that the	Transcription error
176	21	compromising	comprising	Transcription error
177	11	can be simultaneous	cannot be simultaneous	Transcription error
187	21	implication	invocation	Misspoken
191	4	SetAVITransport [sic]	SetAVTransportURI	Misspoken
191	11	SetAVITransport [sic]	SetAVTransportURI	Misspoken
191	15	SetAVITransport [sic]	SetAVTransportURI	Misspoken
191	20	teaches	teachings	
192	13-14	SetAVITransport [sic]	SetAVTransportURI	Misspoken
192	18-19	SetAVITransportURI [sic]	SetAVTransportURI	Misspoken
197	25	SetAVITransportURI [sic]	SetAVTransportURI	Misspoken
199	19	two distinction	two distinct	Transcription error
208	3	it's disclosing	it's not disclosing	Transcription error
219	9	whether it's prior	whether it's a prior	Transcription error
232	8	a obviousness	an obviousness	Spelling error

232	20	obvious combination	obviousness combination	Transcription error
242	16	obvious analysis	obviousness analysis	Transcription error

Dated: October 5, 2022

By: Dan Schonfeld  
Dan Schonfeld